

1 GENERAL GOVERNMENT CABINET

2 Board of Dentistry

3 (New Administrative Regulation)

4 201 KAR 8:520. Fees and fines.

5 RELATES TO: 2010 Ky. Acts ch. 85, sec. 4, 2010 Ky. Acts ch. 85, sec. 5, 2010 Ky. Acts ch. 85, sec.  
6 16(2)(c)

7 STATUTORY AUTHORITY: 2010 Ky. Acts ch. 85, sec. 4

8 NECESSITY, FUNCTION, AND CONFORMITY: 2010 Ky. Acts ch. 85, sec. 4 requires the board to  
9 promulgate administrative regulations to prescribe a reasonable schedule of fees, charges, and fines.

10 This administrative regulation establishes fees, charges, and fines for the issuance, renewal, and  
11 reinstatement of licenses, for services and materials provided by the board, for investigations, and for  
12 infractions.

13 Section 1. Dentists.

14 (1) The initial licensure fee for a general dental license applied for in a non-renewal year shall be  
15 \$325.

16 (2) The initial licensure fee for a general dental license applied for in a renewal year shall be  
17 \$175.

18 (3) The renewal fee for a general dental license appropriately renewed on or before the  
19 expiration of the license shall be \$295.

20 (4) The renewal reinstatement fee for a general dental license renewed between January 1 and  
21 January 15 of the year following the expiration of the license shall be \$280 in addition to the

1 renewal fee.

2 (5) The renewal reinstatement fee for a general dental license renewed between January 16 and  
3 January 31 of the year following the expiration of the license shall be \$560 in addition to the  
4 renewal fee.

5 (6) The renewal reinstatement fee for a general dental license renewed on or after February 1 of  
6 the year following the expiration of the license shall be \$1,120 in addition to the renewal fee.

7 (7) The initial fee for a dental anesthesia or sedation permit shall be \$250.

8 (8) The renewal fee for a dental anesthesia or sedation permit shall be seventy-five (75) dollars  
9 and is in addition to the renewal fee for a general dental license.

10 (9) The initial fee for an anesthesia or sedation facility certificate shall be \$250.

11 (10) The renewal fee for an anesthesia or sedation facility certificate shall be seventy-five (75)  
12 dollars.

13 (11) The specialty license application fee shall be \$100.

14 (12) The specialty license renewal fee shall be fifty (50) dollars and is in addition to the renewal  
15 fee for a general dental license.

16 (13) The fee for reinstatement of a properly retired general dental license shall be \$350.

17 (14) The fee for reinstatement of a properly retired specialty license shall be fifty (50) dollars and  
18 is in addition to the renewal fee for a general dental license.

19 Section 2. Dental Hygienists.

20 (1) The initial licensure fee for a dental hygiene license applied for in a non-renewal year shall  
21 be \$125.

22 (2) The initial licensure fee for a dental hygiene license applied for in a renewal year shall be  
23 seventy-five (75) dollars.

(3) The renewal fee for a dental hygiene license appropriately renewed on or before the expiration of the license shall be \$110.

(4) The renewal reinstatement fee for a dental hygiene license renewed between January 1 and January 15 of the year following the expiration of the license shall be \$130 in addition to the renewal fee.

(5) The renewal reinstatement fee for a dental hygiene license renewed between January 16 and January 31 of the year following the expiration of the license shall be \$260 in addition to the renewal fee.

(6) The renewal reinstatement fee for a dental hygiene license renewed on or after February 1 of the year following the expiration of the license shall be \$520 in addition to the renewal fee.

(7) The initial dental hygiene anesthesia registration fee shall be fifty (50) dollars.

(8) The initial dental hygiene general supervision registration fee shall be fifty (50) dollars.

(9) The initial dental hygiene intravenous access line registration fee shall be fifty (50) dollars.

(10) The initial dental hygiene laser debridement registration fee shall be fifty (50) dollars.

(11) The fee for reinstatement of a properly retired dental hygiene license shall be \$125.

Section 3. Registered Dental Assistants. The initial registered dental assistant intravenous access line registration fee shall be fifty (50) dollars.

Section 4. General Fees.

(1) The fee for the verification of a license shall be forty (40) dollars.

(2) The fee for a duplicate license shall be twenty-five (25) dollars.

(3) The fee for a contact list for either currently licensed dentists, currently licensed dental hygienists, or currently registered dental assistants shall be:

(a) \$100 for lists obtained for not-for-profit use; and

1 (b) \$1,000 for lists obtained for profit use.

2 (4) The fee for a query of the National Practitioner Data Bank shall be twenty-five (25) dollars.

3 (5) The fee for a paper copy of the Dental Practice Act shall be fifty (50) dollars.

4 (6) The fee for any returned check or rejected electronic payment shall be twenty-five (25)  
5 dollars.

6 Section 5. General Fines.

7 (1) Fines may be agreed to by settlement agreement in addition to the fines listed in this section.

8 (2) The costs of a disciplinary action taken as a result of a hearing shall be equal to the amount of  
9 all actual and necessary costs associated with the hearing.

10 (3) If a licensee is found to be deficient on hours following a continuing education audit, the fine  
11 shall be \$200 per hour deficient.

12 (4) The fine for failure of a follow-up infection control inspection shall be \$1,000.

13 (5) The fine for failure of a follow-up anesthesia and sedation facility inspection, performed no  
14 sooner than twenty (20) days following an initial failed inspection, shall be \$2,500.

15 Section 6. All fines and fees paid to the board are non-refundable.

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DR. WILLIAM P. BOGGESS, DMD, Board President

July 10, 2010  
Date

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on Tuesday, August 31, 2010, at 9:00 a.m. at the office of the Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, KY 40222. Individuals interested in being heard at this hearing shall notify this agency in writing no later than August 24, 2010, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until August 31, 2010.

Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact person: Brian K. Bishop, Executive Director, Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, KY, 40222. Phone (502) 429-7280, fax (502) 429-7282, email [briank.bishop@ky.gov](mailto:briank.bishop@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation #: **201 KAR 8:520. Fees and fines.**

Contact Person: **Brian K. Bishop, Executive Director  
Board of Dentistry**

(1) Provide a brief summary of:

(a) What this administrative regulation does: **This administrative regulation establishes fees, charges, and fines for the issuance, renewal, and reinstatement of licenses, for services and materials provided by the board, for investigations, and for infractions, which is mandated by 2010 Ky. Acts ch. 85, sec. 4.**

(b) The necessity of this administrative regulation: **2010 Ky. Acts ch. 85, sec. 4 requires the board to promulgate administrative regulations to establish fees, charges, and fines for the issuance, renewal, and reinstatement of licenses, for services and materials provided by the board, for investigations, and for infractions.**

(c) How this administrative regulation conforms to the content of the authorizing statute: **2010 Ky. Acts ch. 85, sec. 4 requires the board to establish fees and fines that do not exceed the national average, which is what this administrative regulation does.**

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: **This administrative regulation provides all of the funding by which the board operates.**

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: **N/A**

(b) The necessity of the amendment to this administrative regulation: **N/A**

(c) How the amendment conforms to the content of the authorizing statute: **N/A**

(d) How the amendment will assist in the effective administration of the statutes: **N/A**

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: **This administrative regulation will impact any individual licensed or registered by the board. To date there are approximately 3119 currently licensed dentists and approximately 125 new applicants per year as well as 2402 dental hygienist currently licensed by the board and approximately 100 new applicants per year.**

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: **There are no new actions for licensees to take in order to comply with this administrative regulation.**

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): **Compliance with this administrative regulation will cost licensees the amount specified in this administrative regulation.**

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): **Licensees who are in compliance will have the legal ability to practice dentistry, dental hygiene, or dental assisting in the Commonwealth of Kentucky.**

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: **No additional costs are expected.**

(b) On a continuing basis: **No additional costs are expected.**

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: **The implementation and enforcement of this regulation are fully funded by licensing fees paid by dentists, dental hygienists, and dental assistants as part of compliance with this regulation.**

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: **The fees found in this administrative regulation make the agency financially solvent.**

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: **This administrative regulation both establishes fees and makes adjustments to the board's current fee structure without exceeding national or regional averages as directed by 2010 Ky. Acts ch. 85.**

(9) TIERING: Is tiering applied? **This administrative regulation applies tiering by establishing different fees for different levels of licensure or registration. Different costs reflect both the different levels of responsibility of each type of licensee and also the difference in the cost to administer different types of licenses.**



## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 201 KAR 8:520.

Contact Person: Brian K. Bishop, Executive Director,  
Board of Dentistry

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes   X   No       

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Kentucky Board of Dentistry is the only state government entity which will be impacted by this regulation.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

2010 Ky. Acts ch. 85

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

There will be no new net fiscal affect on the Kentucky Board of Dentistry as the agency is a fully self funded agency and receives no general fund dollars.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

Compliance with this regulation will provide the agency with enough money to meets its budgetary obligations as set forth in HB1 of the 2010 Extraordinary Session of the General Assembly.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

Compliance with this regulation will provide the agency with enough money to meets its budgetary obligations as set forth in HB1 of the 2010 Extraordinary Session of the General Assembly.

(c) How much will it cost to administer this program for the first year?

FY 2010 – 2011 as allocated in HB 1 from the 2010 Extraordinary Session of the General Assembly is \$705,400

(d) How much will it cost to administer this program for subsequent years?

FY 2011 – 2012 as allocated in HB 1 from the 2010 Extraordinary Session of the General Assembly is \$714,000

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: